

REMARKS

Applicant has reviewed and considered the Office Action mailed on July 17, 2007, and the references cited therewith.

Claims 1, 6, and 24 are amended, claim 7 is canceled, and no claims are added; as a result, claims 1-6 and 8-26 are now pending in this application.

35 USC §102 Rejection of the Claims

Claims 1-6 and 9-23 were rejected under 35 USC § 102(e) as being anticipated by Thomson et al. (U.S. Publication No. 2005/0073980). Applicants respectfully traverse this rejection with respect to claims 14-23.

Thomson describes methods for planning a wireless local area network [See abstract]. Thomson further describes manual site surveys and simulations that consider floor plans and capacities to determine placements and settings of access points in a network being planned. [0005], [0010]. Applicants respectfully submit that Thomson discusses the design of a wireless network and does not describe adjusting an output power of beacon frames or other frames during operation of the wireless network.

Regarding claims 14 and 20, applicants disagree that paragraphs [0026] and [0050] of Thomson anticipate the claimed subject matter. Paragraph [0026] of Thomson describes transmit rates and data rates. Paragraph [0050] describes access point configuration including “transmit power settings.” Thomson does not describe modifying power settings during operation of the network, nor does Thomson describe different transmit power settings for beacon frames and non-beacon frames. Accordingly, applicants respectfully submit that Thomson does not disclose, teach, or suggest “transmitting a beacon frame from an access point at a full power level; and transmitting frames other than beacon frames from the access point at less than the full power level” as claimed in claims 14 and 20.

Regarding claims 15 and 21, applicants disagree that paragraph [0026] of Thomson anticipates the claimed subject matter. As described above, paragraph [0026] of Thomson describes data rates and transmit rates. Applicants respectfully submit that Thomson does not disclose, teach, or suggest the subject matter of claims 15 and 21, including for example,

“wherein transmitting frames other than beacon frames comprises transmitting at a power level high enough to overcome a path loss to an associated mobile station.”

Regarding claims 16, 17, 22, and 23, applicants disagree that Thomson describes adjusting power levels when mobile stations associate or disassociate. As described above, Thomson describes the planning of a wireless network, and does not describe adjusting transmit power during operation of the wireless network. Applicants respectfully submit that Thomson describes planning a network to be deployed, and does not describe adjusting transmit power when mobile stations associate or disassociate as claimed.

Regarding claims 18 and 19, applicants respectfully submit that Thomson does not disclose “periodically adjusting the power level” in combination with the limitations of claim 14.

Claim 1 has been amended to make clear that the transmit power adjustments are made during the operation of the network. Applicants respectfully submit that Thomson does not describe adjusting transmit power during operation of the network, but rather only describes the design of the network, where one parameter of the design is access point transmit power. Accordingly, applicants believe claim 1 is in condition for allowance. Claims 2-5 define further over Thomson and are believed to be in condition for allowance at least by virtue of dependency. For example, claims 3 and 4 recite changing transmit power when mobile stations associate or disassociate. As discussed above with reference to claims 16, 17, 22, and 23, Thomson does not teach these limitations.

Claim 6 has been amended to include the limitations of claim 7. Applicants respectfully submit that Thomson does not disclose, teach, or suggest the subject matter of claim 6, as amended, including for example, “wherein adjusting an access point output power comprises reducing the output power of frames other than beacon frames.” Accordingly, applicants believe claim 6 is in condition for allowance. Claims 9-13 further define over Thomson, and are also believed to be in condition for allowance.

35 USC §103 Rejection of the Claims

Claims 7 and 8 were rejected under 35 USC § 103(a) as being unpatentable over Thomson et al. (U.S. Publication No. 2005/0073980) in view of Choi et al. (U.S. Patent No. 6,978,151). Applicants traverse this rejection. Claim 6 has been amended to include the

limitations of claim 7, so this traversal now applies to claims 6 and 8. In the rejection of claim 7, the office action makes two assertions: 1) that reducing the output power of frames other than beacon frames is “known in the art of communications”, and 2) that Choi teaches “the transmission power should not exceed the maximum transmission power specified by the AP through a beacon frame.”

Regarding assertion (1), applicants respectfully submit that the examiner is taking official notice of what is “known in the art of communications”. No documentary evidence in support of this official notice has been provided. Applicants traverse as not properly officially noticed the factual assertion that “reducing the output power of frames other than beacon frames is known in the art of the communications”. If this rejection is repeated, applicants respectfully request that documentary evidence or other authority be provided to support the taking of official notice. See MPEP 2144.03.

Regarding assertion (2), applicants respectfully submit that the cited portion of Choi does not teach the limitations of claim 7 as filed. The cited portion of Choi simply describes a beacon broadcasting a value for maximum transmission power. Applicants respectfully submit that Choi does not describe reducing the output power of frames other than beacon frames as claimed in claim 6, nor does Choi describe transmitting beacon frames at maximum power (claim 8) in combination with reduced output power of other frames (claim 6).

Claims 24-26 were rejected under 35 USC § 103(a) as being unpatentable over Choi et al. (U.S. Patent No. 6,978,151) in view of Thomson et al. (U.S. Publication No. 2005/0073980). Claim 24 has been amended to include “reducing the output power of frames other than beacon frames”. Applicants respectfully submit that the rejection of claim 24 has been overcome by amendment for the reasons given above with respect to claim 6. Additionally, applicants respectfully submit that claims 25 and 26 further define over the references of record and are further in condition for allowance at least by virtue of dependency. For example, applicants respectfully submit that claim 25 defines over the references of record for the same reason that claim 14 defines over the references of record. (see above).

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

Respectfully submitted,

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By their Representatives,

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Date 10/1/07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of October, 2007.

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